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Joint written statement* submitted by the Associazione Comunita Papa Giovanni XXIII, United Network of Young Peacebuilders (UNOY Peacebuilders), non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 May 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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An appeal to declare the Right to Peace

Associazione Comunità Papa Giovanni XXIII (APG23) and UNOY Peacebuilders (United Network of Young Peacebuilders) among many others have participated in the Open Ended Intergovernmental Working Group on the right to peace for the last three years. The Working group was established by resolution A/HRC/RES/20/15, with the mandate of "progressively negotiating a draft United Nations declaration on the right to peace". The mandate expired at the 3rd session of the Working Group, held in April 2015.

Regrettably, the output of the OEIWG did not mark a quantum leap forward towards a meaningful declaration on right to peace as expected by the civil society organisations. In fact, it produced a text with a lot of reservations by Member States put in brackets both in the preamble and the operational part.

We congratulate the Chairperson Rapporteur for his endless diplomatic efforts to reach consensus during the third session of the Intergovernmental Working Group. We do still support the idea that consensus is connatural to the process of peace and would be the best way to adopt a declaration on the right to peace. Nevertheless, we would like to reiterate that such a declaration should be meaningful and add value to existing international human rights and humanitarian law.

At the beginning of the last session of the OEIWG, APG23 and UNOY Peacebuilders shared a written proposal with delegates of Member States present in the room, aimed at reaching a declaration that is both consensual and meaningful. In particular, we proposed alternative language for art. 1 that reads, "Every person and all peoples have the right to enjoy peace. To that end, they are entitled to the promotion, protection and respect for all human rights and fundamental freedoms and, in particular, to live in a context in which all human rights, peace and security, and development can be fully realized".

At the 29th regular session of the Human Rights Council, the Chair of the OEIWG, Ambassador Guillermet Fernandez, will give the report of the third session of the OEIWG and present his final text of the draft declaration that is still under negotiation among States. Art. 1 of the text that the Chairperson circulated on the last day of the 3rd session of the OEIWG states that: "everyone has the right to enjoy peace such that security is maintained, all human rights are promoted and protected and development is fully realised".

Indeed, we believe that the formulation "right to enjoy peace" is a viable solution that can create consensus. In our proposal, we formulated language in light of the input given by Member States and other stakeholders in the previous two sessions of the OEIWG. Among the improvements to the text that do not compromise consensus, we had also included the principles of peace education and human rights education, as well as the peaceful settlement of disputes or conflicts through dialogic and nonviolent means.

While those seem to have remained in some form, the important concept of the necessary infrastructure to sustain the work of peace was greatly weakened in the latest draft text. If the right to enjoy peace is to be workable, peace needs the infrastructure that will make its enjoyment possible. The sustainability of peace work requires such on-going supporting structures, as does its implementation.

Our NGOS are convinced that the desire and need for peace is a natural and common characteristic of every human being. We firmly believe that peace is a human right that derives from the deepest aspirations of all the people of the world and is deeply rooted in the United Nations Charter and the Universal Declaration of Human Rights.

Historically, there has been a progression within the United Nations on the recognition of the right to peace. The United Nations Charter begins with the words, "We the peoples of the United Nations determined to save succeeding generations from the scourge of war (…)".

In 1978, the General Assembly approved the "Declaration on the Preparation of Societies for life in peace" that affirms that "every nation and every human being [...] has the inherent right to life in peace".

In 1984, the "Declaration on the right of peoples to peace" adopted by the General Assembly made a new step ahead by declaring in its first article "the peoples of our planet have a sacred right to peace".

In 1999, the General Assembly approved the United Nations Declaration and Program of Action on a Culture of Peace whose articles 1 and 3 certain the main elements of the right to peace, such as:

- Respect for life, ending of violence and promotion and practice of non-violence through education, dialogue and cooperation;
- Full respect for the principles of sovereignty, territorial integrity and political independence of States and non-intervention in matters which are essentially within the domestic jurisdiction of any State, in accordance with the Charter of the United Nations and international law;
- Full respect for and promotion of all human rights and fundamental freedoms;
- Commitment to peaceful settlement of conflicts;
- Efforts to meet the developmental and environmental needs of present and future generations;
- Respect for and promotion of the right to development;
- Respect for and promotion of equal rights of and opportunities for women and men;
- Respect for and promotion of the rights of everyone to freedom of expression, opinion and information;
- Adherence to the principles of freedom, justice, democracy, tolerance, solidarity, cooperation, pluralism, cultural diversity, dialogue and understanding at all levels of society and among nations;
- An enabling national and international environment conducive to peace.

In the last decade, Civil Society, especially the Spanish Society for International Human Rights Law (SSIHRL), has played a very important role in the promotion of the right to peace and contributed significantly to the process for the codification of this right[1]. People on the ground are asking for a declaration of the Human Right to Peace.

The history of humankind demands that we take this perspective. We are commemorating the centennial of the beginning of the First World War, when millions people died and were hurt, injured or disabled. Since then, the many wars that have occurred have caused more than two hundred million deaths without counting the deaths for the so-called collateral effects (anger, diseases) and the immense damage and/or destruction of goods and resources that are essential for development.

The recent conflicts, such as the one in Syria, the violence perpetrated by ISIS, the persecutions of Christians and religious minorities reveal a world that struggles in finding its way to peace. Economic interests, weapons' markets, religious fundamentalism, the lack of respect for others and their diversity, lack of dialogue, discrimination and injustice, the "culture of waste" are all reasons behind the different conflicts and violence that affect our world, each in its own way. As Pope Francis said in several occasions, "We have entered into the third world-war, this time carried out in pieces".

There is an extreme need to promote a culture of peace and to give value to the peace promoters, those numerous international volunteers who work daily for peace in a nonviolent manner and build bridges between opposing factions, disarm the minds of people and are means of reconciliation.

It is absolutely important to recognize the right to peace as a step forward for the full respect of all the other human rights, including the right to development.

A Declaration on the Right to Peace is necessary and relevant not only for the victims of conflicts and violence but also for people who suffer because of structural injustices and economic and social violence.

[1] Luarca Declaration (2006), Barcelona and Santiago Declaration (2010) on Right to Peace promoted by Civil Society.

Peace within and among nations is fundamental for the economic and social progress and for the enjoyment of all human rights.

If there is a right to peace, there is also the duty to make peace[2]. A declaration on the right to peace will provide international law with an instrument that - even if not of a binding nature - will call Member States to renew their political commitment towards peace.

The United Nations should again declare that war is unlawful from a legal perspective, as well as totally incompatible with peace and a clear abuse of humans rights, and in particular the right to life.

At the present moment, the Human Rights Council of the United Nations has the historic opportunity to offer to the International Community, coinciding with the 70th Anniversary of the United Nations Charter, a solemn Declaration that would include a specific human right to peace among universally recognised human rights and fundamental freedoms. This opportunity should not and cannot be missed.

APG23 and UNOY Peacebuilders do hope that at the 29th regular session of the Human Rights Council, a consensus will be reached on the abovementioned text without further diluting it. In particular, we call on Member States to take a step forward in the promotion of peace by adopting a declaration that recognizes the "right to enjoy peace" - thus producing an instrument that can be both consensual and meaningful for generations to come.

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[2] Pope John Paul II, message to UNESCO, 5 September 1983.